

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-CR-244-MOC-DSC**

UNITED STATES OF AMERICA,)
)
)
)
)
v.)
)
MICHAEL KIPP AND JOANNE VIARD,)
)
)
Defendants.)

ORDER

THIS MATTER is before the Court on the Government’s “Motion for Reconsideration” (document # 60) filed October 7, 2016 and “Defendants’ Response to the Government’s Motion for Reconsideration” (document #61) filed October 12, 2016. This matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B).

On September 14, 2016, Third Party Swisher Hygiene Inc. filed a “Motion to Quash Subpoena on Third Party Swisher Hygiene Inc.” (document # 47). On September 26, 2016, the Government also filed a “Motion to Quash” (document #52). On October 6, 2016, the Court granted Swisher Hygiene Inc.’s Motion to Quash and found the Government’s Motion moot. See document #59.

The Government now asks the Court to reconsider “[t]he issue of whether the remaining third party subpoenas *duces tecum*, served by Defendant purportedly pursuant to Rule 17(c) and calling for returns to counsel’s office within thirty days, were properly issued...” Document #60 at 1. The Government makes a blanket request for the Court to quash “at least eight” other third

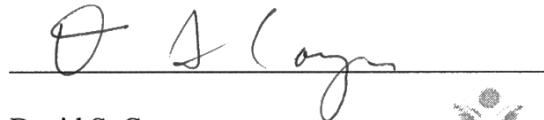
party subpoenas *duces tecum*. The Government does not identify the number of subpoenas it seeks to quash or to whom they were directed. Therefore, the matter is not properly before the Court.

NOW THEREFORE, IT IS ORDERED:

1. The Government's "Motion for Reconsideration" (document #60) is **DENIED**.
2. The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: October 14, 2016



David S. Cayer
United States Magistrate Judge
